

Patrick Moscatello, Esq. PM3747
90 Washington St.
Long Branch, NJ 07740
(732)-870-1370
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE

THOMAS L. ABRAHAM

Debtor(s).

)
) CASE NO.: 05-47716/RTL
)
) JUDGE: Raymond T. Lyons
)
) CHAPTER 13
)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

☐ Modified/No Notice Required

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED IN THE NOTICE
TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED,
EVEN IF THE PLAN REFERS TO YOUR CLAIM**

1. PAYMENT AND LENGTH OF PLAN

a. The Debtor shall pay \$379.00 per month to the Chapter 13 Trustee, starting thirty days from the date of filing of the plan for approximately 36 months or until sale or refinance of real estate.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount & date when funds are available)

☒ Sale or refinance of the following assets on or before April 2007; 25 Airsdale Ave
Long Branch, NJ 07740

2. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Amount to be Paid</u>
Patrick Moscatello, Esq.	Attorney's Fees	\$1,000.00
Internal Revenue Service	Taxes	\$4,594.43
Pennsylvania Department of Revenue	Taxes	\$813.33

3. SECURED CLAIMS

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditors (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

<u>Creditor</u>	<u>Collateral or Type of Debt</u>	<u>Arrearage</u>	<u>Interest Rate on Arrearage</u>	<u>Amount to be paid to Creditor (in Plan)</u>	<u>Regular Monthly Payment(Outside Plan)</u>
Citifinancial	Residential Mortgage	\$4,262.85	0.00%	\$4,262.85	\$1,420.95
Long Branch Sewerage	\$4,046.47	\$4,046.47	0.00%	\$4,046.47	

a. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

<u>Creditor</u>	<u>Collateral</u>	<u>Scheduled Debt</u>	<u>Total Collateral Value</u>	<u>Superior Liens</u>	<u>Value of Creditor Interest in Collateral</u>	<u>Annual Interest Rate</u>	<u>Total amount to be paid Through Plan</u>

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

b. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

<u>Creditor</u>	<u>Collateral to be Surrendered</u>	<u>Value of Surrendered Collateral</u>	<u>Remaining Unsecured Debt</u>

d. Secured Claims Unaffected by Plan

The following secured claims are unaffected by the Plan:

HCAC-Cox Auto

Automobile Loan

4. UNSECURED CLAIMS

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ to be distributed *pro rata*

☐ Not less than 0.00% percent

☒ Pro rata distribution of \$3,816.27 from any remaining funds

☒ Based on non-exempt equity in real property estimated at \$23,312.26

b. Separately Classified Unsecured Claims shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>

5. EXECUTORY AND UNEXPIRED LEASES

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

6. MOTIONS

NOTE: All Plans including motions must be served separately in accordance with D.N.J. LBR 3015-1

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the property	Amount of Lien To be Avoided

b. Motion to Void Liens and Reclassify Claim from secured to Completely Unsecured. The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 3 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Claims as Partially Secured and Partially Unsecured. The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 3 above:

Creditor	Collateral	Amount to be deemed Secured	Amount to be Reclassified as Unsecured

7. OTHER PLAN PROVISIONS

a. Vesting of Property of the Estate. Property of the Estate shall revert in the Debtor:

- ☒ Upon Confirmation
☐ Upon Discharge


b. Payment Notices. Creditors and Lessors provided for in Sections 3, 5 or 6 may continue to mail customary notices or coupons to the Debtor

c. Order of Distribution. The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Administrative Claims
- 3) Priority Claims
- 4) Secured Claims
- 5) Unsecured Claims

d. Post-petition claims. The Trustee ☐ is ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Date: 9/2/06


 Patrick Moscatello
 Attorney for the Debtor

I hereby certify that the factual statements included in this plan are true. I am aware that if any of the factual statements made by me are willfully false, I am subject to punishment.

Date: 5/12/06


Thomas L. Abraham, Debtor

Bankruptcy Noticing Center
2525 Network Place, 3rd Floor
Herndon, Virginia 20171-3514

CERTIFICATE OF SERVICE

District/off: 0312-3
Case: 05-47716

User: bduplech
Form ID: pdf901

Page 1 of 1
Total Served: 28

Date Rcvd: May 12, 2006

The following entities were served by first class mail on May 14, 2006.

db +Thomas L. Abraham, 25 Airsdale Ave, Long Branch, NJ 07740-7602
aty +James G Aaron, Ansell Zaro Grimm and Aaron PC, 1500 Lawrence Ave, CN 7807,
Ocean, NJ 07712-7807
aty +Jennifer Novick, Phelan, Hallinan & Schmieg, 400 Fellowship Road, Suite 100,
Mount Laurel, NJ 08054-3437
aty +Patrick Moscatello, Law Office of Patrick Moscatello, 90 Washington Street,
Long Branch, NJ 07740-5941
tr Michael B. Kaplan, Standing Chapter 13 Trustee, CN 4853, Trenton, NJ 08650-4853
smg U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +United States Trustee, Office of the United States Trustee, One Newark Center, Suite 2100,
Newark, NJ 07102-5235
cr +CitiFinancial Mortgage Company, Inc., Phelan, Hallinan & Schmieg, P.C., 400 Fellowship Road,
Suite 100, Mt. Laurel, NJ 08054-3437
507308928 +Alan B Liss, Esq., 1420 Walnut Street - Suite 808, Philadelphia, PA 19102-4008
507528829 +CITIFINANCIAL MORTGAGE COMPANY, P.O. BOX 140609, IRVING, TX 75014-0609
507308929 +Citifinancial Mortgage, PO Box 140609, Irvington, TX 75014-0609
507308930 +Ecast Settlement Corp, PO Box 35480, Newark, NJ 07193-5480
507308931 +HCAC - Cox Auto, 2545 Pulaski Hwy, Newark, DE 19702-3907
507308932 Household Bank, PO Box 80084, Salinas, CA 93912-0084
507537473 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 21126,
PHILADELPHIA PA 19114-0326
(address filed with court: IRS, Dept of Treasury, POB 724, Springfield NJ 07081-0724)
507308933 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 21126,
PHILADELPHIA PA 19114-0326
(address filed with court: Internal Revenue Service, Special Procedures Branch,
Insolvency Unit I - PO Box 12051, Philadelphia, PA 19105-2051)
507308934 +John L Bonello, Esq., Manna & Bonello PC, PO Box 3068, West End, NJ 07740-3068
507634774 LVNV Funding LLC., its successors and assigns, as, Resurgent Capital Services, P.O. Box 10587,
Greenville, SC 29603-0587
507308935 +Long Branch Sewerage Authority, 150 Joline Avenue, Long Branch, NJ 07740-7399
507548760 +New Jersey Natural Gas, PO box 1464, 1415 Wyckoff Road, Wall, NJ 07719-1464,
Joseph C. Weiss, Esq.
507548786 +New Jersey Natural Gas, PO box 1464, 1415 Wyckoff Rd., Wall, NJ 07719-1464,
Attn: Joseph C. Weiss, Esq.
507308936 +New Jersey Natural Gas, PO Box 1378, Wall, NJ 07719-1378
507308937 +Pennsylvania Dept Of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
507308938 +Phelan Hallinan & Schmieg PC, 400 Fellowship Rd., Suite 100, Mt. Laurel, NJ 08054-3437
507558256 +Portfolio Recovery Associates, POB 41067, Norfolk VA 23541-1067
507308939 Sherman Acquisitions, PO Box 10587, Greenville, SC 29603-0587
507614844 eCAST Settlement Corporation, assignee of, Household Bank and Its Assigns, P.O. Box 35480,
Newark, NJ 07193-5480

The following entities were served by electronic transmission on May 12, 2006 and receipt of the transmission was confirmed on:

507610200 +E-mail: BankruptcyVerizonEast@afninet.com May 12 2006 22:46:36 Verizon NJ, POB 25087,
Wilmington DE 19899-5087

TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

507560643 City of Long Branch

TOTALS: 1, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 14, 2006

Signature:

